

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: November 17, 2004

Division: Growth Management

Bulk Item: Yes        No X

Department: Planning and Environmental Res.

**AGENDA ITEM WORDING:** A public hearing to reconsider a resolution regarding three action items (four issues) in the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 and providing direction to staff to make changes to the Plan to be brought back at the adoption hearing in December.

**ITEM BACKGROUND:** Public meetings on the LCP for Tavernier Creek to Mile Marker 97 began in March of 2001. Over the next three years, staff worked with the public to identify areas of opportunity and constraint looking at the natural and built environment and ways to maintain and enhance the community character of the Keys. Through a series of public workshops, a survey and numerous public hearings before the Planning Commission, the LCP evolved into its final form supported by the general public and the Planning Commission. The Planning Commission recommended approval of the Master Plan to the Board on June 23, 2004.

The Board of County Commissioners on August 18, 2004 approved the Tavernier Creek to MM 97 LCP and a DCA Transmittal Resolution for approval of the Livable CommuniKeys Master Plan as an amendment to the 2010 Comprehensive Plan. The Board of County Commissioners identified three Action Items from the Tavernier LCP for reconsideration and recommendation by the Planning Department and the Planning Commission. The Planning Commission reconsidered the action items at a workshop on September 22, 2004 and a Public Hearing on October 19, 2004. The Planning Commission recommended changes to the Action Items as described in the proposed Planning Commission recommended resolution, however staff is recommending alternative changes in its recommended resolution for the Board's consideration.

**PREVIOUS RELEVANT BOCC ACTION:** The Board approved the Livable CommuniKeys program as an amendment to the Year 2010 Comprehensive Plan on February 22, 2001. The Board approved the Livable CommuniKeys Master Plan for transmittal to DCA in a DCA Transmittal Resolution on August 18, 2004 and directed staff to review four Action Items in the Plan with the Planning Commission.

**CONTRACT/AGREEMENT CHANGES:** N/A

**STAFF RECOMMENDATIONS:** Approval.

**TOTAL COST:** N/A

**BUDGETED:** Yes N/A No       

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes N/A No        **AMOUNT PER MONTH**        **Year**       

**APPROVED BY:** County Atty X OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**

  
Timothy J. McGarry, AICP

**DOCUMENTATION:** Included X

To Follow       

Not Required       

**DISPOSITION:**       

**AGENDA ITEM #** T-4

A Resolution by the Monroe County Board of County Commissioners directing the Planning and Environmental Resources Department to **AMEND** the draft Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 before bringing the Plan to the Board for adoption.

Planning Commission

October 19, 2004

BOCC Resolution recommended  
by the Planning Commission

**RESOLUTION NO.**                      **-2004**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO **AMEND** THE DRAFT LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 BEFORE BRINGING THE PLAN TO THE BOARD FOR ADOPTION.

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**WHEREAS**, the Monroe County Board of County Commissioners (BOCC) held a public hearing on August 18, 2004, for the purpose of considering the transmittal of the Tavernier Creek to MM 97 Master Plan to the Florida Department of Community Affairs (DCA), for review and comment; and

**WHEREAS**, the BOCC approved the Tavernier Creek to MM 97 Master Plan, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map and Land Use Designation Map for transmittal to the DCA; and

**WHEREAS**, during discussion of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 the Board of County Commissioners heard comments from the public present and identified three (3) action items containing four (4) separate issues in the Livable CommuniKeys Master Plan that required further review and consideration; and

**WHEREAS**, the Board of County Commissioners directed staff to return Action Item 1.4.2, Action Item 3.1.2 and Action Item 5.2.1 to the Monroe County Planning Commission for further consideration and recommendation before the adoption hearing for the Plan; and

**WHEREAS**, a public workshop, with public comment, was held during the September 22, 2004, Planning Commission meeting to discuss the Action Items and the Future Land Use Map (FLUM) and Land Use District Map amendments contained in the items; and

**WHEREAS**, during a regularly scheduled meeting on October 7, 2004, the Development Review Committee reviewed the Action Items and staff alternatives, heard comments from staff and the public, and recommended to the Monroe County Planning Commission approval of the staff recommendations; and

**WHEREAS**, during a regularly scheduled meeting on October 19, 2004, the Planning Commission, at a Public Hearing, discussed the Action Items identified by the Board of County Commissioners, reviewed the proposed amendments to the Livable CommuniKeys Master Plan, and heard comments from staff and the public; and

**WHEREAS**, the Planning Commission recommended to the Monroe County Board of County Commissioners that Action Item 1.4.2 be amended to delete parcel number 565970.0001 from the FLUM and Land Use District Map amendments for the businesses located ocean-side, across US #1 from the Tavernier Town Shopping Center and that the Coconut Palm FLUM amendment be incorporated into Action Item 1.4.2; and

**WHEREAS**, the Planning Department supports the recommendation of the Planning Commission that Action Item 1.4.2 be amended to delete parcel number 565970.0001 from the FLUM and Land Use District Map amendments and that the Coconut Palm FLUM amendment be incorporated into Action Item 1.4.2; and

**WHEREAS**, the Planning Commission recommended that the Board of County Commissioner's revision to Action Item 3.1.2 be further refined to limit the Square footage of new structures to a maximum of 2,500 square feet, excluding redevelopment and the Urban Commercial Land Use District from the limits; and

**WHEREAS**, the Planning Commission recommended to the Monroe County Board of County Commissioners no change to Action Item 5.2.1 which limits affordable and employee housing developments to structures containing a maximum of 4 units and that the Action Item remain as presented in the Draft Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97; and

**WHEREAS**, the Planning Department in reviewing Action Items 3.1.2 and 5.2.1 determined that the primary concern raised by members of the residential community is that development and redevelopment be well designed and constructed to enhance the community and the business community's concern is that the requirements for design and construction be economically cost effective; and

**WHEREAS**, the Planning Department finds that the restrictions on the number of units within structures for affordable or employee housing is discriminatory and reduces opportunities for such housing; and

**WHEREAS**, the Planning Department in analyzing options to achieve the desired outcome has determined that many existing structures in the US #1 corridor currently exceed the 2,500 square foot floor area limitation and that the design of the site and structure is the primary determinate of the aesthetics of the corridor; and

**WHEREAS**, the Monroe County Board of County Commissioners has considered the Planning Commission recommendation, staff recommendations and public comments; and

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

**Section 1:** Amend Action Item 1.4.2 to read as follows in order to eliminate the number of nonconforming structures that exist on these properties and bring them into conformity with the current use and surrounding community:

**Action Item 1.4.2**

“Action Item 1.4.2: Adopt the following parcel-specific revisions to the Future Land Use Map (FLUM) category and Land Use District Map:

1) Change the designation of parcels identified with real estate parcel numbers: 566000, 566240, 477140, 566120, 477150, 477160, 477170, 477210, 565970.0001 and 477180 planning area from Improved Subdivision (IS) to Mixed Use (MU) on the Land Use District Map and from Residential Medium (RM) to Mixed Use Commercial (MC) on the Future Land Use Map (FLUM).

2) Change the designation of parcels identified with real estate parcel numbers 476750, 476760, 476770 and 476780 which are owned by Monroe County from Improved Subdivision (IS) to Native Area (NA) and on the Future Land Use Map from Residential Medium (RM) to Residential Conservation (RC).”

3) Change the Future Land Use Map designation of parcels identified with the following real estate numbers from Residential Medium (RM) and Residential High (RH) to Mixed-Use Commercial (MC): 00482310.000000 and 00482320.000000.

**Section 2:** Revise existing Action Item 3.1.2 and create a new Action Item 3.1.5 as follows to require certain development and redevelopment in the US Highway 1 Community Center be consistent with design standards:

1. Action Item 3.1.2: Review all development plans for new commercial and transient structures greater than 2,500 square to assure community character of the area is considered before approval. Require that any development or redevelopment approved within the designated U.S. Highway 1 Community Center, meeting the following criteria, be consistent with design standards established pursuant to Action Items 3.2.3 and 3.3.3:

1. Any new or expanded non-residential structures of greater than 2,500 square feet in floor area;
2. Any new or expanded outdoor retail sales;
3. Any new residential structure containing more than three units or redeveloped residential structure containing more than three units that

involves a change in floor area, building height, or configuration of building footprint;

4. Any new transient residential structure or redeveloped existing transient residential structure that involves a change in floor area, building height, or configuration of building footprint.

2. Action Item 3.1.5 (new): Enact a temporary moratorium on all development meeting the threshold for design review and approval in Action Item 3.1.2 until adoption of design standards for the U.S. Highway I Community Center are adopted or six months after the effective date of this Master Plan, whichever occurs first.

**Section 3:** Revise Strategy 3.3 and Action Item 3.3.5 as follows to clarify that the proposed zoning overlay is for the Community Center and design guidelines are required:

**Strategy 3.3**

Adopt Tavernier Main Street District Overlay to include the a zoning overlay for the designated Community Center defined in Action Item 3.2.1 and specific Land Development Regulations for that overlay.

Action Item 3.3.5: Require existing commercial parcels proposed for Employee Housing density bonuses be developed "village" type consistent with the design standards adopted pursuant to Action Items 3.2.3 and 3.3.3, with single family houses, duplexes or townhouse units with a maximum of four units to a structure.

**Section 4:** Delete Action Item 5.2.1. The design requirements in Action Item 3.2.1 will control the development of all multi-unit developments:

~~Action Item 5.2.1: Maintain the community character of the planning area by requiring that all affordable and employee housing development of four or more units be developed in a "village" type design with single family, duplexes or townhouses with a maximum of four units per structure. The units will conform to the design guidelines for development in the U.S. I corridor or the Tavernier Historic District as applicable.~~

~~Action 5.2.3 Action Item 5.2.1:~~ Investigate opportunities to acquire commercial properties of sufficient size for the construction of employee housing units with the County owning the land in perpetuity.

**Section 5:** The Department of Planning and Environmental Resources is directed to make the changes as detailed in this resolution to the Livable CommuniKeys Master Plan for Tavernier Creek to MM 97 before bringing the Plan to the Board for adoption.

**PASSED AND ADOPTED BY THE** Board of County Commissioners of  
Monroe County, Florida at a regular meeting held on the 17<sup>th</sup> day of November, 2004.

Mayor Murray Nelson  
Mayor Pro Tem David P. Rice  
Commissioner Charles "Sonny" McCoy  
Commissioner George Neugent  
Commissioner Dixie Spehar

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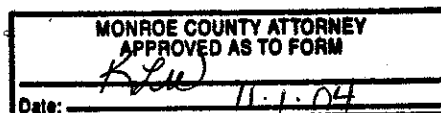
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Murray Nelson

(Seal)

ATTEST: Danny L. Kolhage, Clerk

\_\_\_\_\_  
Deputy Clerk





BOCC Resolution recommended  
by the Planning Department Staff

**RESOLUTION NO.**

**-2004**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO **AMEND** THE DRAFT LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 BEFORE BRINGING THE PLAN TO THE BOARD FOR ADOPTION.

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**WHEREAS**, the Monroe County Board of County Commissioners (BOCC) held a public hearing on August 18, 2004, for the purpose of considering the transmittal of the Tavernier Creek to MM 97 Master Plan to the Florida Department of Community Affairs (DCA), for review and comment; and

**WHEREAS**, the BOCC approved the Tavernier Creek to MM 97 Master Plan, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map and Land Use Designation Map for transmittal to the DCA; and

**WHEREAS**, during discussion of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 the Board of County Commissioners heard comments from the public present and identified three (3) action items containing four (4) separate issues in the Livable CommuniKeys Master Plan that required further review and consideration; and

**WHEREAS**, the Board of County Commissioners directed staff to return Action Item 1.4.2, Action Item 3.1.2 and Action Item 5.2.1 to the Monroe County Planning Commission for further consideration and recommendation before the adoption hearing for the Plan; and

**WHEREAS**, a public workshop, with public comment, was held during the September 22, 2004, Planning Commission meeting to discuss the Action Items and the Future Land Use Map (FLUM) and Land Use District Map amendments contained in the items; and

**WHEREAS**, during a regularly scheduled meeting on October 7, 2004, the Development Review Committee reviewed the Action Items and staff alternatives, heard comments from staff and the public, and recommended to the Monroe County Planning Commission approval of the staff recommendations; and

**WHEREAS**, during a regularly scheduled meeting on October 19, 2004, the Planning Commission, at a Public Hearing, discussed the Action Items identified by the Board of County Commissioners, reviewed the proposed amendments to the Livable CommuniKeys Master Plan, and heard comments from staff and the public; and

**WHEREAS**, the Planning Commission recommended to the Monroe County Board of County Commissioners that Action Item 1.4.2 be amended to delete parcel number 565970.0001 from the FLUM and Land Use District Map amendments for the businesses located ocean-side, across US #1 from the Tavernier Town Shopping Center and that the Coconut Palm FLUM amendment be incorporated into Action Item 1.4.2; and

**WHEREAS**, the Planning Department supports the recommendation of the Planning Commission that Action Item 1.4.2 be amended to delete parcel number 565970.0001 from the FLUM and Land Use District Map amendments and that the Coconut Palm FLUM amendment be incorporated into Action Item 1.4.2; and

**WHEREAS**, the Planning Commission recommended that the Board of County Commissioner's revision to Action Item 3.1.2 be further refined to limit the Square footage of new structures to a maximum of 2,500 square feet, excluding redevelopment and the Urban Commercial Land Use District from the limits; and

**WHEREAS**, the Planning Commission recommended to the Monroe County Board of County Commissioners no change to Action Item 5.2.1 which limits affordable and employee housing developments to structures containing a maximum of 4 units and that the Action Item remain as presented in the Draft Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97; and

**WHEREAS**, the Planning Department in reviewing Action Items 3.1.2 and 5.2.1 determined that the primary concern raised by members of the residential community is that development and redevelopment be well designed and constructed to enhance the community and the business community's concern is that the requirements for design and construction be economically cost effective; and

**WHEREAS**, the Planning Department finds that the restrictions on the number of units within structures for affordable or employee housing is discriminatory and reduces opportunities for such housing; and

**WHEREAS**, the Planning Department in analyzing options to achieve the desired outcome has determined that many existing structures in the US #1 corridor currently exceed the 2,500 square foot floor area limitation and that the design of the site and structure is the primary determinate of the aesthetics of the corridor; and

**WHEREAS**, the Monroe County Board of County Commissioners has considered the Planning Commission recommendation, staff recommendations and public comments; and

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

**Section 1:** Amend Action Item 1.4.2 to read as follows in order to eliminate the number of nonconforming structures that exist on these properties and bring them into conformity with the current use and surrounding community:

**Action Item 1.4.2**

“Action Item 1.4.2: Adopt the following parcel-specific revisions to the Future Land Use Map (FLUM) category and Land Use District Map:

- 1) Change the designation of parcels identified with real estate parcel numbers: 566000, 566240, 477140, 566120, 477150, 477160, 477170, 477210, 565970.0001 and 477180 planning area from Improved Subdivision (IS) to Mixed Use (MU) on the Land Use District Map and from Residential Medium (RM) to Mixed Use Commercial (MC) on the Future Land Use Map (FLUM).
- 2) Change the designation of parcels identified with real estate parcel numbers 476750, 476760, 476770 and 476780 which are owned by Monroe County from Improved Subdivision (IS) to Native Area (NA) and on the Future Land Use Map from Residential Medium (RM) to Residential Conservation (RC).”
- 3) Change the Future Land Use Map designation of parcels identified with the following real estate numbers from Residential Medium (RM) and Residential High (RH) to Mixed-Use Commercial (MC): 00482310.000000 and 00482320.000000.

**Section 2:** Revise existing Action Item 3.1.2 and create a new Action Item 3.1.5 as follows to require certain development and redevelopment in the US Highway 1 Community Center be consistent with design standards:

1. Action Item 3.1.2: Review all development plans for new commercial and transient structures greater than 2,500 square to assure community character of the area is considered before approval. Require that any development or redevelopment approved within the designated U.S. Highway 1 Community Center, meeting the following criteria, be consistent with design standards established pursuant to Action Items 3.2.3 and 3.3.3:

1. Any new or expanded non-residential structures of greater than 2,500 square feet in floor area;
2. Any new or expanded outdoor retail sales;
3. Any new residential structure containing more than three units or redeveloped residential structure containing more than three units that

involves a change in floor area, building height, or configuration of building footprint;

4. Any new transient residential structure or redeveloped existing transient residential structure that involves a change in floor area, building height, or configuration of building footprint.

2. Action Item 3.1.5 (new): Enact a temporary moratorium on all development meeting the threshold for design review and approval in Action Item 3.1.2 until adoption of design standards for the U.S. Highway I Community Center are adopted or six months after the effective date of this Master Plan, whichever occurs first.

**Section 3:** Revise Strategy 3.3 and Action Item 3.3.5 as follows to clarify that the proposed zoning overlay is for the Community Center and design guidelines are required:

**Strategy 3.3**

Adopt Tavernier Main Street District Overlay to include the a zoning overlay for the designated Community Center defined in Action Item 3.2.1 and specific Land Development Regulations for that overlay.

Action Item 3.3.5: Require existing commercial parcels proposed for Employee Housing density bonuses be developed "village" type consistent with the design standards adopted pursuant to Action Items 3.2.3 and 3.3.3. with single family houses, duplexes or townhouse units with a maximum of four units to a structure.

**Section 4:** Delete Action Item 5.2.1. The design requirements in Action Item 3.2.1 will control the development of all multi-unit developments:

~~Action Item 5.2.1: Maintain the community character of the planning area by requiring that all affordable and employee housing development of four or more units be developed in a "village" type design with single family, duplexes or townhouses with a maximum of four units per structure. The units will conform to the design guidelines for development in the U.S. I corridor or the Tavernier Historic District as applicable.~~

~~Action 5.2.3 Action Item 5.2.1: Investigate opportunities to acquire commercial properties of sufficient size for the construction of employee housing units with the County owning the land in perpetuity.~~

**Section 5:** The Department of Planning and Environmental Resources is directed to make the changes as detailed in this resolution to the Livable CommuniKeys Master Plan for Tavernier Creek to MM 97 before bringing the Plan to the Board for adoption.

**PASSED AND ADOPTED BY THE Board of County Commissioners of  
Monroe County, Florida at a regular meeting held on the 17<sup>th</sup> day of November, 2004.**

Mayor Murray Nelson  
Mayor Pro Tem David P. Rice  
Commissioner Charles "Sonny" McCoy  
Commissioner George Neugent  
Commissioner Dixie Spehar

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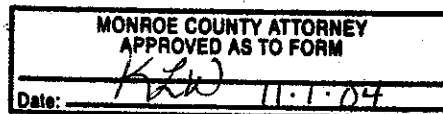
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Murray Nelson

(Seal)

ATTEST: Danny L. Kolhage, Clerk

\_\_\_\_\_  
Deputy Clerk



## BOCC Staff Report

# Monroe County

## Growth Management Division

2798 Overseas Highway  
Suite #400  
Marathon, Florida 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536




## Board of County Commissioners

Mayor Murray E. Nelson, Dist. 5  
Mayor Pro Term David P. Rice, Dist. 4  
Dixie Spehar, Dist. 1  
George Neugent, Dist. 2  
Charles "Sonny" McCoy, Dist. 3

October 22, 2004

TO: Board of County Commissioners

FROM: K. Marlene Conaway, Director   
Department of Planning and Environmental Resources

SUBJECT: Tavernier Creek to Mile Marker 97 Liveable CommuniKeys Plan (Tavernier LCP)  
Action Items 1.4.2, 5.2.1, 3.1.2 and the additional purposed Action Item 1.4.2.4

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## **BACKGROUND:**

The Board of County Commissioners at their August 18, 2004 meeting expressed concern with three Action Items (four issues) in the Tavernier Creek to Mile Marker 97 Liveable CommuniKeys Plan. The Board made one change to Action Item 3.1.2. The Board approved transmission of the Plan to the Department of Community Affairs (DCA). The Action Items were sent to the Planning Commission for their reconsideration. This memorandum presents the Planning Commission's and the staff recommendations.

- 1) **Action Item 1.4.2.1** rezones commercially-used Improved Subdivision (IS) lots across from Tavernier Towne Plaza at Mile Marker 91.5 to Mixed-Use (MU) and changes the Future Land Use to Mixed Use Commercial (MC) from Residential Medium (RM).
- 2) **Action Item 1.4.2.3** changes the Future Land Use from RM and Residential High (RH) to MC for the of Coconut Palm Inn to rectify a nonconformity and allow for redevelopment of the hotel.
- 3) **Action Item 3.1.2**, requires that all new commercial and transient structures over 2,500 square feet be reviewed for community character.
- 4) **Action Item 5.2.1** requires that affordable housing projects be limited to four units per structure, with multiple structures allowed on site.

The Planning Commission reviewed the Action Items at a public workshop on September 22, 2004 and a Public Hearing on October 19, 2004. After listening to public input, reviewing staff alternatives and discussing the BOCC's concerns the Planning Commission made recommendations to amend the Plan. The Planning Department recommendations are the same as



the Planning Commission in Action Item 1.4.2 and offers alternative language for the other two Action Items.

**1) Action Item 1.4.2.1:**

**The Planning Commission and the Planning Department** recommends that the only change to the Action Item be the removal of one Real Estate Number included because of an error on the property maps. Action Item 1.4.2.1 changes the land use district and FLUM across from Tavernier Towne Center on ocean side US #1. (See attachments 1 and 2). The amended action item reads as follows:

*"Action Item 1.4.2.1: Adopt the following parcel-specific revisions to the FLUM category and Land Use District Map:*

*1) Change the designation of parcels identified with real estate parcel numbers: 566000; 566240; 477140; 566120; 477150; 477160; 477170; 477210; ~~565970.0001~~ and 477180 within the Tavernier Creek to Mile Marker 97 planning area from Improved Subdivision (IS) to Mixed Use (MU) on the Land Use District Map and from Residential Medium (RM) to Mixed Use Commercial (MC) on the Future Land Use Map (FLUM). This proposed change will eliminate the number of nonconforming structures that exist on these properties and bring them into conformity with the current use and surrounding community."*

**2) Action Item 1.4.2.4:**

**The Planning Commission and the Planning Department** supports the BOCC decision to add the Action Item which changes the FLUM designation to allow for the redevelopment of Coconut Palm Inn. The BOCC approved the FLUM amendment at the transmittal hearing. (Attachment 5, 6, and 7) The action item reads as follows:

*"Action Item 1.4.2.4: Change the Future Land Use Map designation of parcels identified with the following Real Estate numbers from Residential Medium (RM) and Residential High (RH) to Mixed-Use Commercial (MC): 00482310.000000 and 00482320.000000".*

**3) Action Item 3.1.2:**

Action Item 3.1.2 was amended at the BOCC meeting and requires that all new transient and new commercial development greater than 2,500 square feet in the planning area be reviewed to insure Community Character. The action item reads:

*"Action Item 3.1.2: Review all development plans for new commercial and transient structures greater than 2,500 square feet to assure community character of the area is considered before approval."*

**The Planning Commission**, after much discussion with the community, voted to recommend that the size of new commercial structures in the planning area be limited to 2500 square feet. This is different from the previous Action Item that they had recommended to the BOCC which limited all new and redevelopment of commercial structures and transient units to 2,500 square feet.

*"Action Item 3.1.2: Amend the Land Development Regulations to limit the size of new individual commercial structures in the Tavernier Creek to Mile Marker 97 Master Plan planning area that are not replacements for existing structures, to a maximum of 2,500 square feet. More than one 2,500 square foot building shall be allowed where permitted by the Land Development Regulations. The Urban Commercial (UC) Land Use District containing Tavernier Towne Center and Mariners Hospital among other uses shall be exempted."*

**The Planning Department** in reviewing both Action Items 3.1.2 and 5.2.1 determined that the primary concern raised by members of the residential community is that development and redevelopment be well designed and constructed to enhance the community and the business community's concern is that the requirements for design and construction be economically cost effective. Staff in analyzing options to achieve the desired outcome has determined that many existing structures in the US #1 corridor currently exceed the 2,500 square foot floor area limitation and that the design of the site and structure is the primary determinate of the aesthetics of the corridor. The Planning Department recommends changes to 3.1.2 and Strategy 3.3 to require certain development to follow design standards developed for the Community Center and to enact a moratorium until the design standards are adopted.

1. Action Item 3.1.2: Review all development plans for new commercial and transient structures greater than 2,500 square to assure community character of the area is considered before approval. Require that any development or redevelopment approved within the designated U.S. Highway 1 Community Center, meeting the following criteria, be consistent with design standards established pursuant to Action Items 3.2.3 and 3.3.3:

1. Any new or expanded non-residential structures of greater than 2,500 square feet in floor area;
  2. Any new or expanded outdoor retail sales;
  3. Any new residential structure containing more than three units or redeveloped residential structure containing more than three units that involves a change in floor area, building height, or configuration of building footprint;
  4. Any new transient residential structure or redeveloped existing transient residential structure that involves a change in floor area, building height, or configuration of building footprint.
2. Action Item 3.1.5 (new): Enact a temporary moratorium on all development meeting the threshold for design review and approval in Action Item 3.1.2 until adoption of design

standards for the U.S. Highway I Community Center are adopted or six months after the effective date of this Master Plan, whichever occurs first.

### **Strategy 3.3**

Adopt a Tavernier Main Street District Overlay to include the a zoning overlay for the designated Community Center defined in Action Item 3.2.1 and specific Land Development Regulations for that overlay.

*Action Item 3.3.5: Require existing commercial parcels proposed for Employee Housing density bonuses be developed "village" type consistent with the design standards adopted pursuant to Action Items 3.2.3 and 3.3.3 with single family houses, duplexes or townhouse units with a maximum of four units to a structure.*

#### **4) Action Item 5.2.1:**

**The Planning Commission** recommends that the Action Item remain unaltered. Action Item 5.2.1 limits affordable housing structures to four units per structure. The Planning Commission determined that the limit in units per structure was important to assure the aesthetics of the project.

*"Action Item 5.2.1: Maintain the community character of the planning area by requiring that all affordable and employee housing developments of four or more units be developed in a "village" type design with single family, duplexes or town houses with a maximum of four units per structure. The units will conform to the design guidelines for development in the U.S. 1 corridor or the Tavernier Historic District as applicable."*

**The Planning Department** recommends the deletion of Action Item 5.2. The changes to Action Items 3.1.2 and 3.3.5 and Strategy 3.3 will require that design of multifamily units be in conformance to the design standards adopted for the Community Center. (Attachment 3 and 4.)

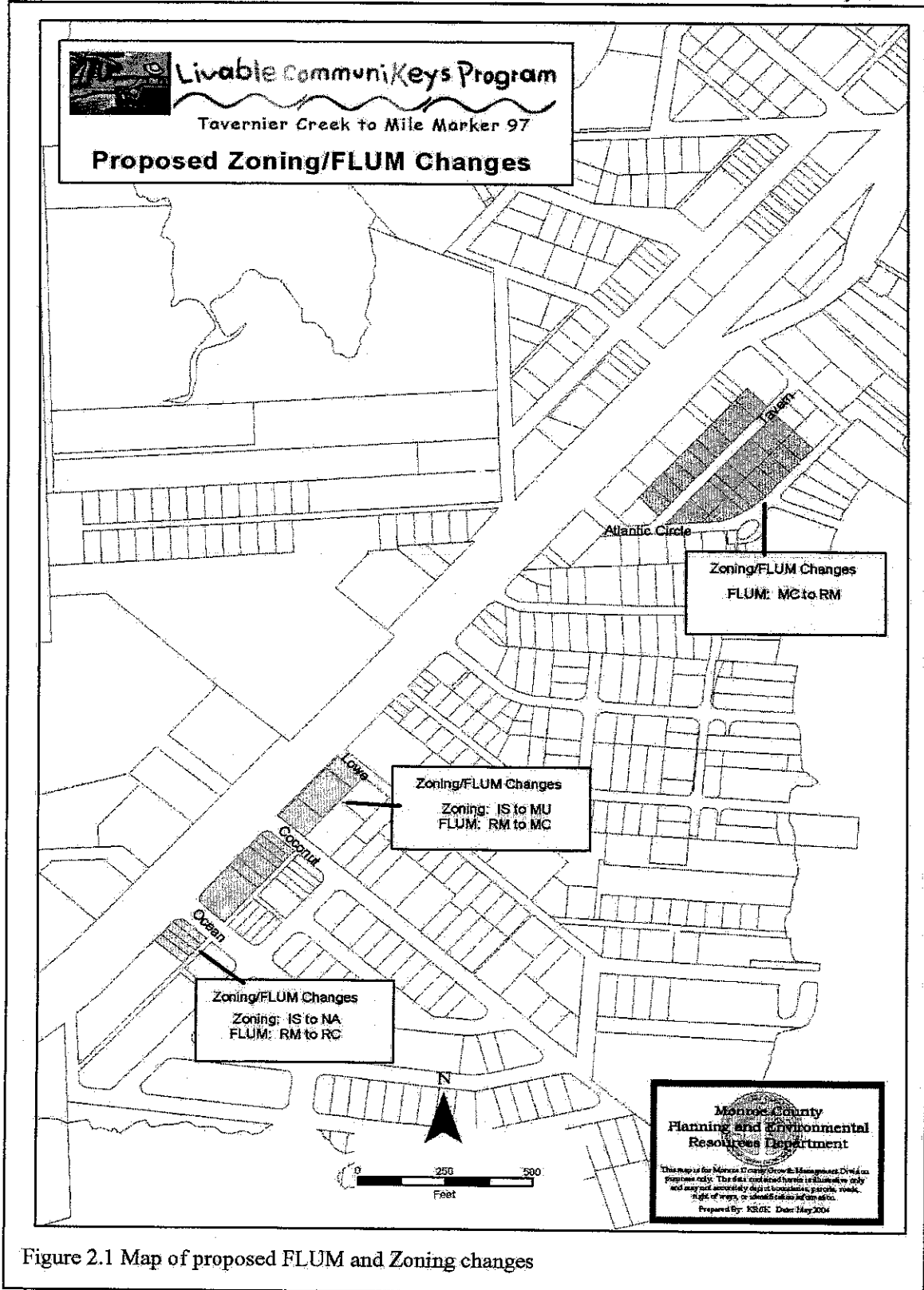
The Department in reviewing both Action Items 3.1.2 and 5.2.1 determined that the primary concern raised by members of the residential community is that development and redevelopment be well designed and constructed to enhance the community and the business community's concern is that the requirements for design and construction be economically cost effective. In addition the Department is concerned that the restrictions on the number of units within structures for affordable or employee housing is discriminatory and reduces opportunities for developing housing that is affordable.

At the October 20, 2004 Planning Commission the concern was raised that affordable housing is not necessary in the study area. Yet Goal 5, Page 49 of the Plan establishes the need for affordable housing. The planning area has traditionally been a working community with neighborhoods that house members of the County's workforce. However, residents in those neighborhoods have difficulty affording housing expenses, and prospective new arrivals, often locally-employed, cannot afford to purchase a home. While residential units increased in the planning area between 1990 and the year 2000, according to the US Census Bureau, by 235 units permanent residential units have decreased by 216 units. This includes a decrease of rental units of 121 units.

# Attachment 1

Livable CommuniKeys Master Plan for Tavernier Creek Bridge to Mile Marker 97

July 4, 2004



## Attachment 2 (Page 1)

### Monroe County

**Growth Management Division**  
2798 Overseas Highway  
Suite 410  
Marathon, Florida 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



**Board of County Commissioners**  
Mayor Murray E. Nelson, Dist. 5  
Mayor Pro Tem David P. Rice, Dist. 4  
Dixie Spehar, Dist. 1  
George Neugent, Dist. 2  
Charles "Sonny" McCoy, Dist. 3

A point by point response is provided for the issues raised by the Tavernier Community Association. Similar items have been combined to eliminate duplicate responses:

**Item Number 1:** "The parcels being directed to be up-zoned from Improved Subdivision to Mixed Use would be the only parcels along the ocean side of the Tavernier Commercial Corridor to be zoned Mixed Use."

**Staff Response:** Commercial zoning exists to the north and east of the subject property along the Overseas Highway. Although no other Mixed Use (MU) zoned property is located in the vicinity it would not be out of context with the existing zoning in the area.

Across US 1 from the subject parcels on the bay side is the Tavernier Towne Plaza. This is a 35-acre high intensity shopping area zoned Urban Commercial. East of Tavernier Towne Plaza is a 40-acre Mixed Use neighborhood. To the northeast of the subject parcels on the ocean side, is a Sub Urban Commercial Land Use strip which continues with one interruption for the one mile length of the Community Center Overlay District.

The Mixed Use Land Use District has a stronger residential component than the Suburban Commercial (SC) land use designation and provides for a greater open space requirement, 0.2 versus 0.0 for (SC).

The Mixed Use Land District is more conducive to creating affordable housing, it has a Maximum Net Density of 18 dwelling units per acre for affordable and employee housing versus 15 dwelling units per acre in Sub Urban Commercial.

The Mixed Use Land Use District designation helps to implement amongst other Livable CommuniKeys Master Plan strategies, Strategy 3.3, Action Item 3.3.6 encouraging small businesses to add employee apartments.

The Tavernier Liveable CommuniKeys Plan further directs Staff to promote affordable housing. Strategy 5.2 reads, "Encourage the development and redevelopment of commercial and mixed-use zoned land for employee housing." Strategy 5.1 reads, "Promote commercial housing above and in conjunction with commercial buildings in the Community Center Overlay district, as this area has capacity to add some employee housing units based on the commercial floor area ratio of the different commercial parcels."

## Attachment 2 (Page 2)

**Item Numbers 2, 5, 6 and 7:** "No other so-called 'non-conforming' parcels in the planning area are slated to be zoned to a high intensity of use to cure their non-conformities"; "The properties slated for higher-intensity zoning will not and never have been denied commercial use"; "The current commercial use of the properties has been unchanged for many, many decades and businesses have prospered"; and "We question whether or not a higher-intensity zoning will actually cure the non-conformities and may, instead, serve to further the non-historic use of the properties."

**Staff Response:** The owners of the subject parcels applied for the Land Use District change. The Liveable CommuniKeys Plan provided the opportunity for land owners to apply for a rezoning where they felt their businesses were incorrectly zoned. A change to Mixed-Use with its list of permitted and conditional uses is best suited to bring existing uses and structures on the subject parcels into conformance with the Monroe County Code.

It is incorrect to refer to the change in Land Use District as a change "to a high intensity use". High intensity uses are prohibited on vacant parcels by the Non Residential Rate of Growth Ordinance (NROGO) whenever a NROGO allocation is required. High intensity uses are also prohibited by Action Item 3.1.2 of the Tavernier LCP.

**Item Numbers 3 and 4:** "While the properties are all within the Tavernier Historic District Overlay, nothing about the Overlay applies in any way to protect contiguous, conforming residential neighbors from any of the unintended consequences of a zoning upgrade"; and "Only a lot line and a few shrubs protect contiguous, conforming neighbors from any increase in the intensity of use of these commercial properties."

**Staff Response:** Mitigation of negative externalities between commercial and residential use is required by the Monroe County Code. Any redevelopment or substantial improvement of the subject parcels would require that the parcels are brought into conformance with the Code.

Pursuant to Section 9.5- 377, District boundary buffers, a Class D buffer between 20 and 35 feet wide is required between Improved Subdivision (IS) lots and Mixed Use (MU) lots. The density of the vegetation in the buffer varies inversely with the width of the buffer yard.

Pursuant to the MCC, Section 9.5- 391- 394, Outdoor Lighting, all lighting from nonresidential uses shall be located, screened or shielded so that adjacent residential lots are not directly illuminated.

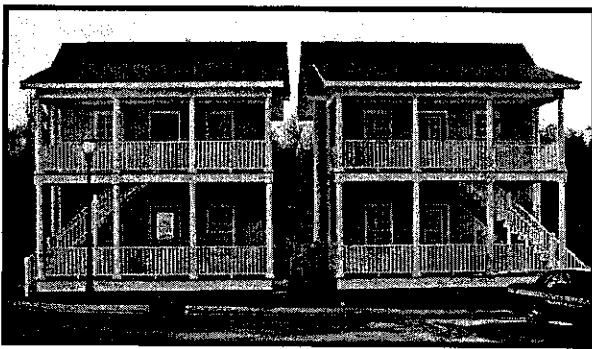
Any new development on the subject parcels would also be subject to all other parts of the Tavernier LCP including the proposed design guidelines and design standards.

## Attachment 3

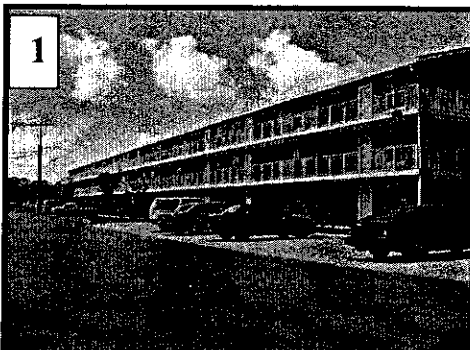
**Village-Style, Contextual to Tavernier: Roosevelt Gardens, Key West. Between 4 and 6 Units Per Structure**



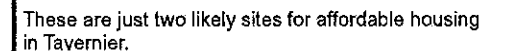
**Village-Style: Similar Affordable Housing Projects Throughout the Country**



**Condominium-Style: 1) Tradewinds Housing Development (Key Largo), 2) Eastwood Apartments (Marathon), 3) Meridian West (Stock Island)**



## Attachment 4



Limiting large affordable housing developments to four units per structure insures the continuity of Tavernier's community character:

1) Continued Pedestrianism: More spaces between buildings allows for walking while monolithic buildings with multiple entrances off of a linear balcony (called garden-style or motel-style designs such as Tradewinds) are simply too large to walk around. Subdivision connectivity was identified by the community as one of Tavemier's most positive attributes.

It is common in Tavernier to be able to walk 1/4 to 1/2 a mile through subdivisions without ever walking on or crossing US 1.

2) Continued Small-Town Character: Monolithic architecture does not reflect the scale, massing, rhythm, or siting of adjacent structures.

New development in Tavernier (such as TwoCan Tropical Homes and Froggie's Gym) were designed with a New Urbanist sensitivity to scale and proportion. The trend in Tavernier is away from the big-box early modernism of the 1950s, 60s and 70s and back to traditional-size design. This trend in affordable housing can be observed nationwide.

2003 Aerial Photos

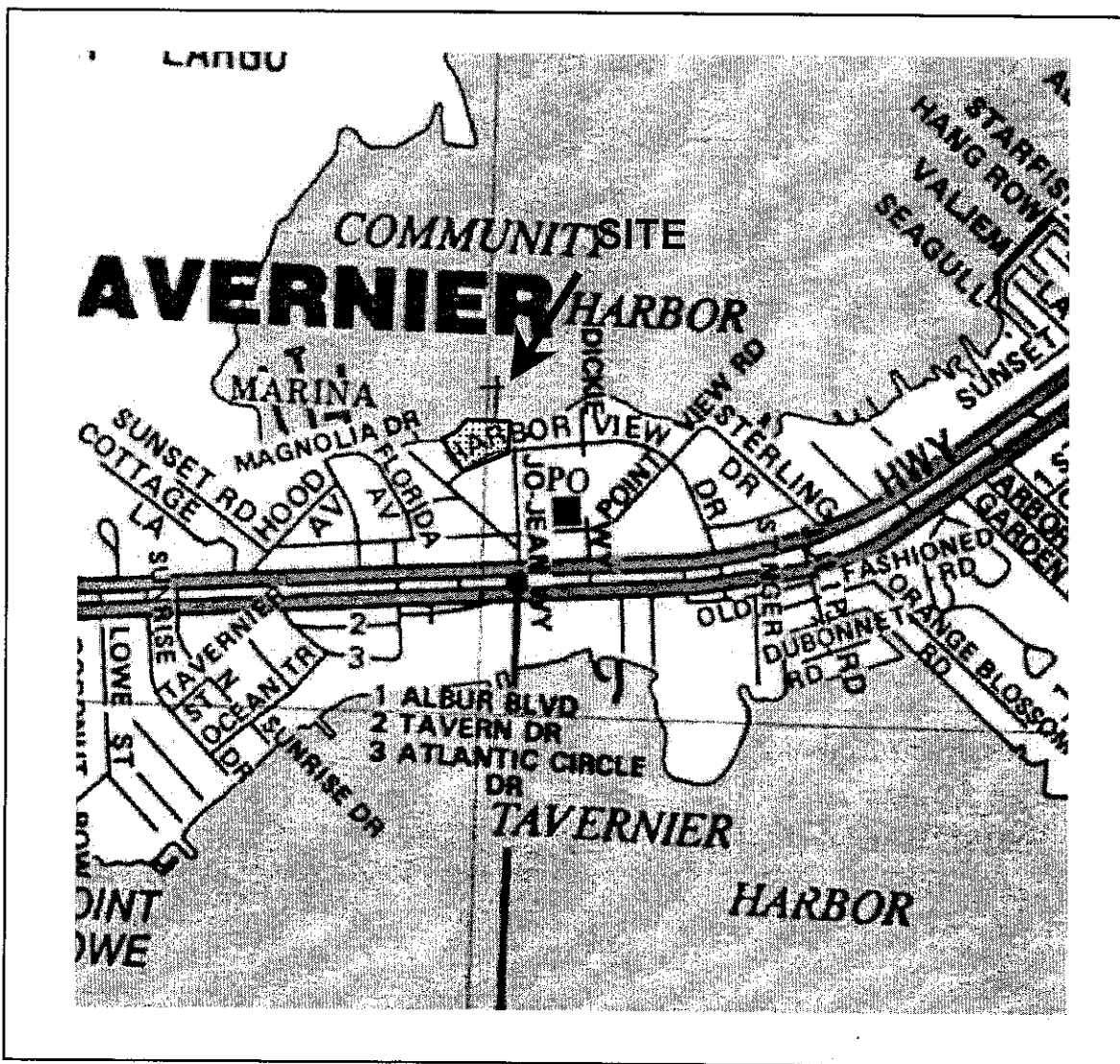


This map is for Monroe County Growth Management Division purposes only. The data contained herein is illustrative only and may not accurately depict boundaries, parcels, roads, right of ways, or identification information.

710



## Attachment 5



### Proposed Future Land Use Map Amendment: Street Map

Key: Key Largo

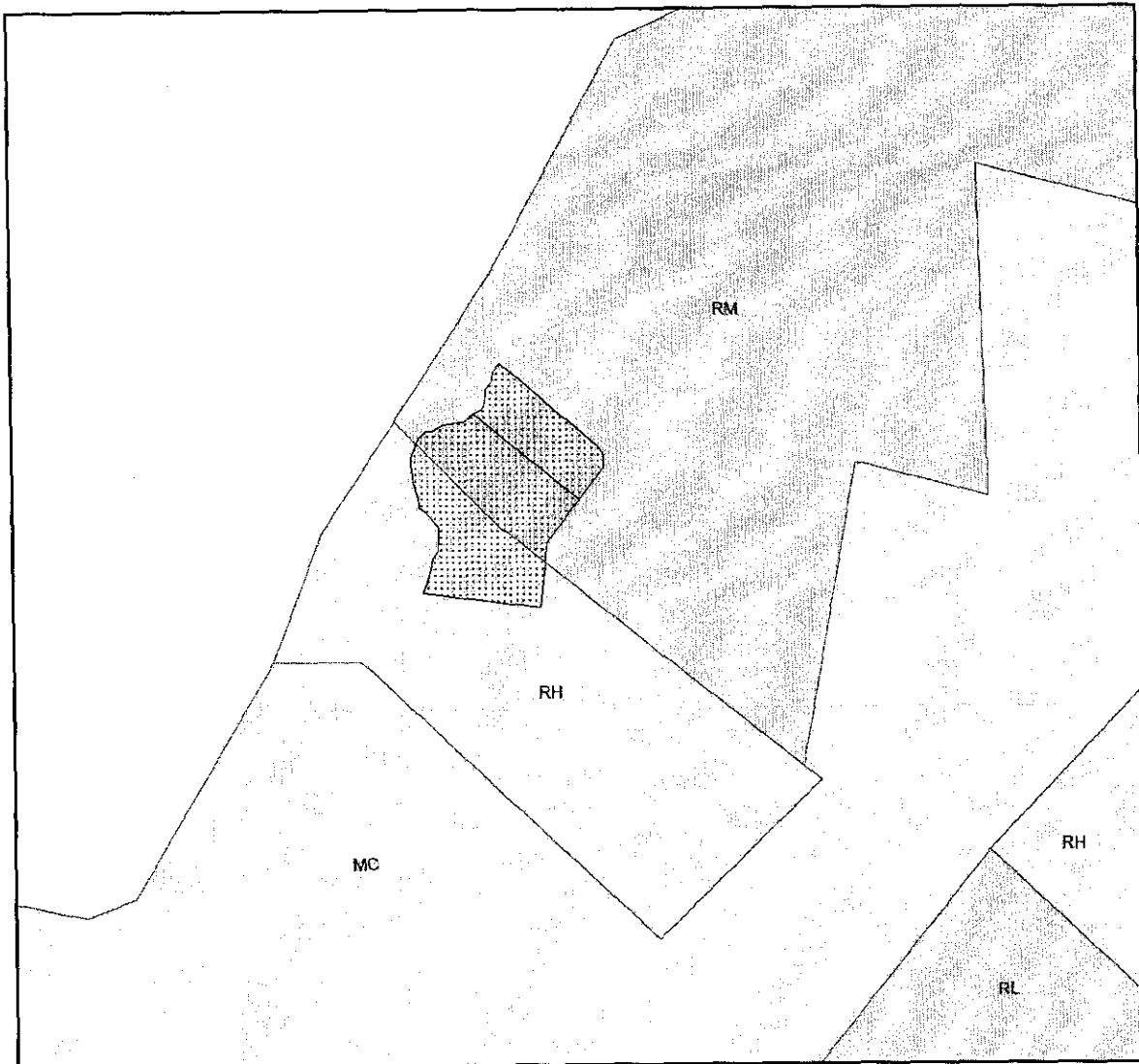
Mile Marker: 92

Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Land Use District Map #: 151

## Attachment 6



**The Monroe County Year 2010 Comprehensive Plan  
Future Land Use Map is proposed to be amended as  
indicated above and briefly described as:**

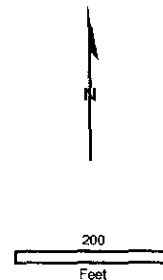
Key: Key Largo

Mile Marker: 92

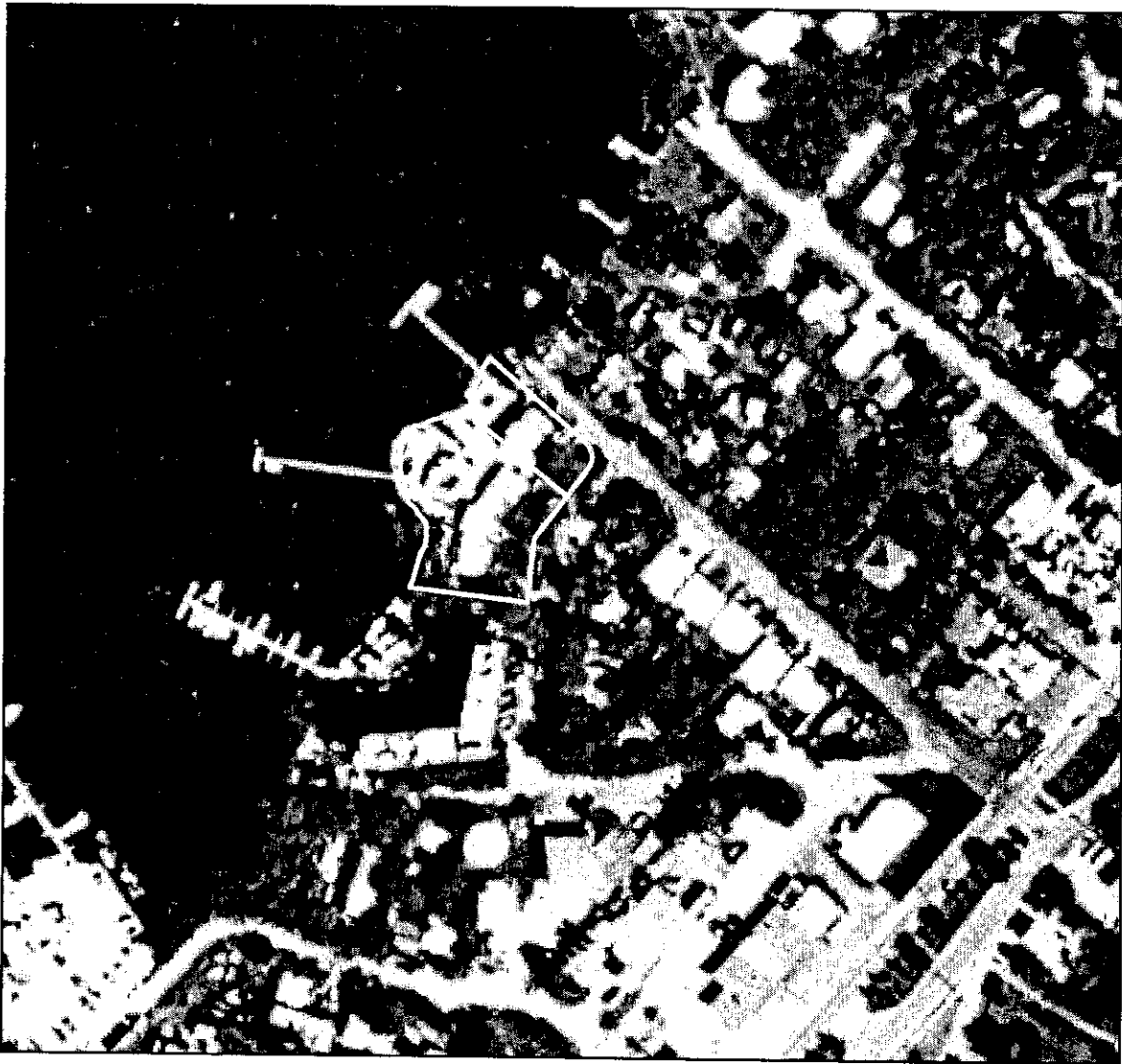
Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Land Use District Map #: 151



## Attachment 7



**Proposed Future Land Use Map Amendment: Aerial**

Key: Key Largo

Mile Marker: 92

Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Land Use District Map #: 151



Monroe County Planning  
Commission  
Resolution

**RESOLUTION NO. P55-2004**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS OF PROPOSED AMENDMENTS TO THE DRAFT LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97.

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**WHEREAS**, the Monroe County Board of County Commissioners (BOCC) held a public hearing on August 18, 2004, for the purpose of considering the transmittal of the Tavernier Creek to MM 97 Master Plan to the Florida Department of Community Affairs (DCA), for review and comment; and

**WHEREAS**, the BOCC approved the Tavernier Creek to MM 97 Master Plan, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map and Land Use Designation Map for transmittal to the DCA; and

**WHEREAS**, during discussion of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 the Board of County Commissioners heard comments from the public present and identified three (3) action items containing four (4) separate issues in the Livable CommuniKeys Master Plan that required further review and consideration; and

**WHEREAS**, the Board of County Commissioners directed staff to return Action Item 1.4.2, Action Item 3.1.2 and Action Item 5.2.1 to the Monroe County Planning Commission for further consideration and recommendation before the adoption hearing for the Plan; and

**WHEREAS**, a public workshop, with public comment, was held during the September 22, 2004, Planning Commission meeting to discuss the Action Items and the Future Land Use Map (FLUM) and Land Use District Map amendments contained in the items; and

**WHEREAS**, during a regularly scheduled meeting on October 7, 2004, the Development Review Committee reviewed the Action Items and staff alternatives, heard comments from staff and the public, and recommended to the Monroe County Planning Commission approval of the staff recommendations; and

**WHEREAS**, during a regularly scheduled meeting on October 19, 2004, the Planning Commission, at a Public Hearing, discussed the Action Items identified by the Board of County Commissioners, reviewed the proposed amendments to the Livable CommuniKeys Master Plan, and heard comments from staff and the public; and

**WHEREAS**, the Planning Commission considered and amended Action Item 1.4.2 to delete parcel number 565970.0001 from the FLUM and Land Use District Map amendments for the businesses located ocean-side, across US #1 from the Tavernier Town Shopping Center and that the Coconut Palm FLUM amendment be incorporated into Action Item 1.4.2; and

**WHEREAS**, the Planning Commission recommended that the Board of County Commissioners revision to Action Item 3.1.2 be further refined to limit the Square footage of new structures to a maximum of 2,500 square feet, excluding redevelopment and the Urban Commercial Land Use District from the limits; and

**WHEREAS**, the Planning Commission recommended to the Monroe County Board of County Commissioners no change to Action Item 5.2.1 which limits affordable and employee housing developments to structures containing a maximum of 4 units and that the Action Item remain as presented in the Draft Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97; and

**WHEREAS**, the Monroe County Board of County Commissioners hereby supports the recommendation of the Monroe County Planning Commission; and

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

The Monroe County Planning Commission recommends to the Board of County Commissioners the following amendments to the Draft Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97:

- 1) Amend Action Item 1.4.2 to read as follows in order to eliminate the number of nonconforming structures that exist on these properties and bring them into conformity with the current use and surrounding community:

**Action Item 1.4.2**

“Action Item 1.4.2: Adopt the following parcel-specific revisions to the Future Land Use Map (FLUM) category and Land Use District Map:

- 1) Change the designation of parcels identified with real estate parcel numbers: 566000, 566240, 477140, 566120, 477150, 477160, 477170, 477210, ~~565970.0001~~ and 477180 planning area from Improved Subdivision (IS) to Mixed Use (MU) on the Land Use District Map and from Residential Medium (RM) to Mixed Use Commercial (MC) on the Future Land Use Map (FLUM).

- 2) Change the designation of parcels identified with real estate parcel numbers 476750, 476760, 476770 and 476780 which are owned by Monroe County from Improved Subdivision (IS) to Native Area (NA) and on the Future Land Use Map from Residential Medium (RM) to Residential Conservation (RC).”

3) Change the Future Land Use Map designation of parcels identified with the following real estate numbers from Residential Medium (RM) and Residential High (RH) to Mixed-Use Commercial (MC): 00482310.000000 and 00482320.000000.

2) Delete existing Action Item 3.1.2 and create a new Action Item 3.1.2.

**Action Item 3.1.2**

~~Action Item 3.1.2: Review all development plans for new commercial and transient structures greater than 2,500 square feet to assure community character of the area is considered before approval.~~

Action Item 3.1.2: Amend the Land Development Regulations to limit the size of new individual commercial structures in the Tavernier Creek to Mile Marker 97 Master Plan planning area that are not replacements for existing structures, to a maximum of 2,500 square feet. More than one 2,500 square foot building shall be allowed where permitted by the Land Development Regulations. The Urban Commercial (UC) Land Use District containing Tavernier Towne Center and Mariners Hospital among other uses shall be exempted.

3) Change Action Item 5.2.1 and that it remain as presented in the Draft Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97:

**Action Item 5.2.1**

Action Item 5.2.1: Maintain the community character of the planning area by requiring that all affordable and employee housing developments of four or more units be developed in a "village" type design with single family, duplexes or town houses with a maximum of four units per structure. The units will conform to the design guidelines for development in the U.S. 1 corridor or the Tavernier Historic District as applicable.

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**PASSED AND ADOPTED** By the Planning Commission of Monroe County,  
Florida at a regular meeting held on the 19<sup>th</sup> day of October 2004.

Chair Lynn Mapes	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner David Ritz	<u>ABSENT</u>
Commissioner Julio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Lynn Mapes, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2004.